

Attorney Docket No.: 13257.00044 (UMD-0084)
Inventors: Sciorra and Zimnoch
Serial No.: 09/869,741
Filing Date: January 9, 2002
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REMARKS

Claims 1-93 are pending in this application. No new matter has been added. Applicants are respectfully requesting reconsideration of the restriction requirement in view of the following remarks.

The claims of the present application have been subjected to a Restriction Requirement under 35 U.S.C. §121 and 372 by the Examiner in this case. The Examiner suggests that restriction of the present invention into the following groups is required:

Group I, claims 1-39, drawn to a method of separating at least one target from a non-target substance in a sample comprising mixing the sample with magnetic particles to form a suspension; placing the suspension onto a substrate material; exposing the substrate material to a magnetic field; repeatedly applying a pre-determined increase in magnetic field in a pulsing manner to cause the magnetic particles to separate spatially from the non-target material; and

Group II, claims 40-93, drawn to an apparatus comprising a coil which produces variable pulse magnetic fields; a substrate that includes magnetic mixture; a sample chamber located within the coil for receiving the sample.

The Examiner suggests that the inventions listed as Groups I and II are independent and distinct from each other as they do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT 13.2, they lack the same or corresponding technical features. It is suggested that Group I is a method of separating magnetic particles from a mixture by applying a pre-determined increase in the magnetic field in a pulsing manner; however, the coil of the apparatus of Group II produces variable

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pulsed magnetic fields, not pre-determined increase of magnetic fields. Applicants are required to elect one of the Groups to be examined. Applicants respectfully disagree with this restriction requirement.

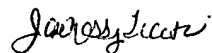
Rule 13.2 indicates that where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

The method of the instant invention is drawn to the separation of target from non-target substances using magnetic particles and a magnetic field, wherein the magnetic field is increased by a pre-determined amount in a pulsed manner to cause the magnetic particles to separate spatially from the non-target material. Likewise, the apparatus of the invention is a coil which produces a variable pulsed magnetic field to facilitate separation of target from non-target substances. As would be appreciated by the skilled artisan, the magnetic field of the apparatus of Group II must be variable in order to achieve the pre-determined increase to carry out the method of Group I claims. Thus, there is a technical relationship among those inventions involving one or more corresponding special technical features. Accordingly, it is respectfully requested that this restriction requirement be reconsidered and withdrawn.

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However, in an earnest effort to be completely responsive, Applicants hereby elect to prosecute Group I, claims 1-39, drawn to a method of separating at least one target from a non-target substance in a sample comprising mixing the sample with magnetic particles to form a suspension; placing the suspension onto a substrate material; exposing the substrate material to a magnetic field; repeatedly applying a pre-determined increase in magnetic field in a pulsing manner to cause the magnetic particles to separate spatially from the non-target material, with traverse.

Respectfully submitted,



Jane Massey Licata
Registration No. 32,257

Date: May 9, 2005

Licata & Tyrrell P.C.
66 E. Main Street
Marlton, New Jersey 08053

(856) 810-1515